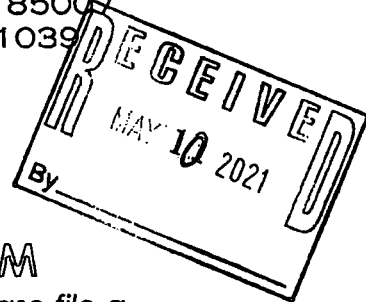


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: MAY 10, 2021

Case Number: 21-137

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Janelle Starr, DVM & (2) Vet Techs

Premise Name: McDowell Mountain Ranch Animal Hospital

Premise Address: 17050 N. Thompson Peak Parkway, Suite B100

City: Scottsdale State: AZ Zip Code: 85255

Telephone: (480) 405-7810

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Bonny Dara

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Jade
Breed/Species: Dog - Chihuahua Mix
Age: 3 Sex: F Color: Black

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Janelle Starr, and (2) Vet Techs, the one who held her down while going berserk was a Red haired, Red Bearded guy with glasses and stoppped shoulders, and the other one was darkskinned with black hair.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Boyz Dara

Date: 5/8/21

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Please see attached word document for description.

04/26/21 – Veterinary visit at McDowell Mountain Animal Clinic

I made an appointment with McDowell Mountain Animal Clinic looking for a new vet closer to work. There was nothing at all wrong with my dog when I took her in. A guy came out to get her and I explained to him, she is so scared please, please be so careful and gentle with her and don't scare her. I did ask that they trim her toenails, and trim a little hair off her rump, it was so long, and I thought they would just snip a little with scissors.

After a while Dr. Starr came and talked to me, and she mentioned something about Jade's knees, and said all Chihuahuas are prone to this. I said, wait a minute, there was nothing wrong with her knees when I brought her in, she is extremely agile. The doctor smiles and said "Oh it's very mild." The doctor went on and on, and said some "dog whisperer" was working with her, but they weren't getting her to cooperate. I should have said then, bring her back to me and don't do anything else.

A different guy, a slumped guy with red hair, a red beard and glasses, brought her back out to me, and I couldn't feel her energy, she was a very high energy dog when I brought her in! He said to me in these words "She went berserk, but we held her down until she gave in!" And he said it like he was very proud of himself. I was now in a panic and didn't know what to do. The 1st guy brought out the bill. All I could think of was to get her home and check on her, I couldn't believe they are even allowed to do this kind of thing in a veterinary office, I mean isn't the first rule of medicine "Do no harm!" They "man-handled" her pinned her down while she was going berserk, and forced her to surrender. That is horrific abuse for any dog and especially for an already traumatized dog. I was in horror, disbelief and panic.

I got her inside, but noticed when she walked inside that she was having trouble, and she was just weak and non-energetic and obviously in pain, from somewhere. She had a look of terror in her eyes and she just laid down and put her head on her paws depressed and just lying there moaning. Later when she was moving around I noticed that her back legs were slipping out from under her. This had never happened previously she was in great health and like I mentioned before extremely agile and muscular. Something was obviously wrong and she was in pain. What kind of "dog whisperer" or even veterinary office holds a dog down and forces them to submit when they are going berserk, and to an already traumatized but gentle dog, they could have broken bones they could have harmed her internal organs, this is beyond belief and beyond acceptability. I later noticed that instead of just clipping some of her dog hair off with

scissors they had obviously held her down and shaved her rump – which is something that is only done when dog is under anesthesia. I don't know of a vet's office that would allow that without anesthesia because it could be so dangerous and is so hard on the dogs. I am on a state of horror.

I continued to watch her Sunday, hope against hope that well maybe they trimmed her nails too much or something. But she was obviously in pain and having trouble getting around, terrorized and depressed, just laying around with very low energy. She would try to get up and play but it was just too painful and she would just slump back down.

Monday morning I took the day off work to watch her, but went immediately to McDowell Mountain Animal Clinic and demanded to talk to someone, preferably the owner. They told me the owner was not there and that the two doctors were in surgery and couldn't see me, and tried to brush me off. I demanded to talk to one of the doctors with my complaint. Finally Dr. Starr came out. She said oh I notice she was a "little" scared. (On Saturday when we were at my car, she discussed how fearful my dog was.) I said a little! My dog was extremely fearful and she know if and how could they allow someone to hold her down and force her to give in. I told her what the red haired guy said to me. She said "Well, I wasn't in there when they worked on her, but I will inquire about it." She said all this very nonchalantly, like she really wasn't concerned. I demanded that they give me some pain medication and that they pay for me to get her treated for her injuries by another vet, of course I wasn't going to allow them to treat her. Dr. Starr said, again, very nonchalantly, "well yes you can get another opinion, we recommend getting another opinion." Another opinion for what, I thought, there was nothing wrong with her when I brought her in there! I asked Dr. Starr to have to owner contact me, and Dr. Starr said that she couldn't give permission to pay for another vet. She did give me some pain medication for my dog.

As the day progressed her back legs still seemed to be slipping out from under her. Still depressed and probably still in terror she wouldn't allow me to pet or touch her. Her energy was much depleted.

The owner did not call me until late Tuesday afternoon, and she said well she wanted to give me a chance to tell her my side of the story. When I explained to her what had happened, she said, "Oh I talked to Dr Starr and she was in there when the vet techs worked on her and they did nothing wrong." That is exactly the opposite of what Dr. Starr had told me, she told me that she had not been in there when the vet techs worked on her, but that she would inquire about it. I told this to the owner, told her to stop the "cover-up" and then hung up on her in frustration.

My dog was the sweetest little dog with a high energy personality, and so much joy and love, but no aggression whatsoever. She was so vibrant and happy and energetic and loving and beginning to walk on a leash well and not be fearful outside. I was making such good progress with her rehabilitation from living a life in fear on the streets. After that vet experience she is emotionally and psychologically terrified of everything again, depressed and still on pain medication for her injuries. The pure joy of life and puppy like love is gone. I am still working with another vet on her injuries which will incur more treatment. But I fear the psychological damage may not be healed. I have been in a state of shock and horror and not able to eat or sleep and having trouble at work concentrating. This has affected both of us and traumatized us very deeply and should never have happened in the first place.

I have not talked to Dr. Starr nor the owner of McDowell Mountain Ranch Animal Clinic anymore, but my dog was physically and emotionally, psychologically traumatized and injured by the vet techs at this animal clinic and they should not be allowed to work as vet techs ever again. Dr Starr's license to practice veterinary medicine should be revoked from her for "allowing" and "covering up" animal abuse in their clinic. This is beyond atrocious. This is not acceptable. They didn't even have any remorse or concern about my dog, but just tried to cover it all up and deny that it happened. How many other dogs have they abused here?

This is a complete atrocity and it is abuse.

Ms. Dara brought Jade, a 3yr old FS Chihuahua mix, in to McDowell Mountain Animal Hospital on 4/24/21 for a wellness exam. At this time Jade was a new patient and our clinic was still working curbside so when she got here, she was given new client paperwork to fill out at her car. My technician Gonzalo then went out to the car to get a history from the owner (Ms. Dara) and brought Jade inside the hospital for her exam.

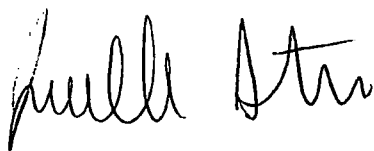
When Gonzalo brought Jade in, I could tell she was nervous. Danny and Gonzalo proceeded to get a TPR of the patient and when doing so she pooped and peed. They picked her up, cleaned her off and tried again which is when the patient tried to bite. A muzzle was placed on the patient for safety. After muzzle was on, patient did very well and allowed me to do a full exam without any problem. During the exam patient was very tense but did well and I found bilateral medial luxating patella's (grade 1/4) but otherwise patient was healthy. I couldn't evaluate her teeth very well because muzzle was still on but did get a look at her incisors. After my exam I went out to the owner's car to discuss her full physical exam and recommended treatments.

When I went out to the car, my technicians (Gonzalo and Danny) did both a nail trim and sanitary clip to her hind end that the owner had requested on intake.

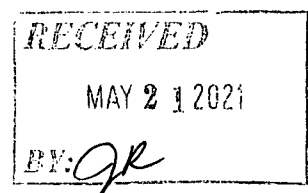
When I went out to the car, I went over my full physical exam since we were still curbside telling her TPR, weight and the findings of her medical luxating patella's. I explained that this is a very common condition that small breed dogs have a genetic predisposition to. I explained that Jade's were very low grade (1/4) and at this stage just needed to be monitored and shouldn't be painful for her. MLP does predispose them to early arthritis so in the future I did recommend starting joint supplements. We also discussed getting Jade up to date on vaccines but owner said that she already was so I told her I would call over to her previous clinic to get records. I recommended getting her a heartworm test as well as on prevention. We then talked at length about how nervous/anxious patient was at home as well in the clinic and how to best work on this. I recommended training with a trainer moving forward as well as anxiety medication. We discussed pros and cons of different medications including Trazodone, Prozac and ClomiCalm. We decided together to try Trazodone and discussed side effects, when to use, etc.

After discussion outside at the car with owner, I went back into the hospital where my technicians were finishing up with Jade's nail trim. Jade was being held in lateral recumbency with her muzzle still on. When the technicians were done, I sent Gonzalo out to go over the treatment plan with the owner since Danny and I agreed it would be best for him to hold the patient instead of putting her in a kennel because she was nervous. After the treatment plan was gone over Danny took Jade back out to owner and owner left.

My next interaction with the owner was on 4/26/21. My receptionist came back to the doctor's office and said there was an owner outside that refused to leave until she talked to either a doctor or office manager. The office manager was out of town, so I went up to talk to the client. Please see the medical record for notes made about the interaction between me and Ms. Dara from that day.



Dr. Janelle Starr, DVM



DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Steven Dow, DVM
Brian Sidaway, DVM
Gregg Maura

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris – Assistant Attorney General

RE: Case: 21-137
Complainant(s): Bonny Dara
Respondent(s): Janelle Starr, DVM (License: 7376)

SUMMARY:

Complaint Received at Board Office: 5/10/21
Committee Discussion: 10/5/21
Board IIR: 11/17/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On April 24, 2021, "Jade," a 3-year-old female Chihuahua mix was presented to Respondent for a wellness exam. The dog was examined; Respondent noted the dog had mild bilateral medial luxating patellas and reported her findings to Complainant.

Complainant was adamant that the dog had no issues prior to bringing the dog to Respondent. She believes staff injured the dog while performing a nail trim and sanitary clip.

On June 14, 2021, the dog was evaluated by Dr. Garthe at Paradise Point Animal Hospital and it was suspected the dog had a partial cranial cruciate ligament rupture. A referral to a surgeon was recommended.

On June 29, 2021, the dog was evaluated by Dr. Benson at North Ranch Animal Hospital. Dr. Benson suspected right medial patella luxation, recommended glucosamine and provided a prescription for meloxicam.

Complainant was noticed and appeared.

Respondent was noticed and appeared telephonically. Attorney David Stoll appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Bonny Dara*
- Respondent(s) narrative/medical record: *Janelle Starr, DVM*
- Consulting Veterinarian(s) narrative/medical records: *Desiree Garthe, DVM; Gregory Benson, DVM*

PROPOSED 'FINDINGS of FACT':

1. On April 24, 2021, the dog was presented to Respondent for a wellness exam. Complainant was a new client. Complainant advised staff that the dog was nervous and fearful and requested they take care when handling the dog. Curbside services were being provided due to Covid policies and the dog was brought inside the premises for evaluation.

2. Technical staff began to obtain vitals on the dog – the dog urinated and defecated on the exam table. After cleaning the area, technical staff again attempted to obtain vitals – the dog attempted to bite therefore a muzzle was applied for safety. The dog did well with the muzzle and Respondent was able to examine the dog. Upon exam, the dog had a weight 11.70 pounds, a temperature = 101.3 degrees, a pulse rate = 160bpm, and a respiration rate = 30rpm; BCS 5/9. The dog was anxious and Respondent could not conduct a full mouth exam due to the muzzle – dental calculus grade 1/4. She also noted the dog had a grade 1/4 medial luxating patellas bilaterally.

3. Respondent discussed her findings with Complainant. She explained that that medial luxating patellas was a common finding in small breed dogs as they have a genetic predisposition to the condition. Respondent recommended Complainant monitoring the condition which should not be painful however early arthritis could occur; joint supplements would be recommended. Complainant stated that she questioned the diagnosis and stated that nothing was wrong with the dog's knees when brought in for exam.

4. With respect to the dog's anxiousness, Respondent recommended training/trainer and anxiety medication. After discussion, Trazadone was decided. Respondent went back inside the premises to prepare a treatment plan.

5. At this time, technical staff trimmed the dog's nails. Complainant reported the dog did better with a nail grinder as opposed to a trimmer. Technical staff attempted to use a dremmel however the dog was not pleased with this technique. The dog was then placed in lateral recumbancy and a trimmer was used – the dog did well.

6. The trazadone prescription was prepared and technical staff brought the dog back to Complainant. According to Complainant, when the dog was brought back to her, technical staff stated that the dog had gone "berserk but they held her down until she gave in." Once Complainant brought the dog home, she stated the dog was lethargic and in obvious pain. She was adamant that the dog was in great health and extremely agile prior to bringing the

dog to Respondent. Complainant further expressed concern with the sanitary clip that was performed. She believed that the dog was held down and shaved, which was something that should only be done when a dog is under anesthesia.

7. On April 26, 2021, Complainant went to the premises to speak with Respondent. She reported what technical staff said about holding the dog down until she submitted. Respondent stated that she was not there for that conversation, but found it hard to believe staff would say that, and that the dog was not held down forcefully. Complainant became upset accusing Respondent of breaking the dog's spirit and causing physical pain to the dog. She believed the dog's luxating patellas was caused by Respondent's staff's restraint. Respondent attempted to explain that the dog's luxating patellas was likely a congenital condition and not caused by an injury. She offered to re-evaluate the dog – Complainant refused. Complainant requested pain medication and requested Respondent pay for the dog to be seen elsewhere. Respondent explained that she could not authorize paying for a second opinion but would dispense gabapentin for pain. Complainant approved the gabapentin oral solution (50mg/mL, 5mLs, give 1mL orally every 12 hours for pain).

8. On April 27, 2021, the office manager, Mary, spoke with Complainant about her experience at the premises. Complainant reported the dog was injured in multiple places by technical staff as there was nothing wrong with the dog prior to presentation. She had not had radiographs performed on the dog because she did not want to traumatize the dog further. Mary explained that Respondent was present and did not see anything concerns when the dog was handled; no excessive restraint was used on the dog. Complainant accused the premises of covering up the dog's injuries and hung up on Mary.

9. On May 3, 2021, the dog was presented to Dr. Garthe at Paradise Point Animal Hospital for a second opinion. Complainant expressed concern the dog was manhandled at a previous veterinarian – the dog was now have hip issues and her back will give out. Dr. Garthe examined the dog; there was no evidence of lameness, no pain upon palpation of neck, spine or limbs. The dog's hind limbs had good range of motion bilaterally and Dr. Garthe was unable to elicit cranial drawer. Radiographs and Valley Fever titer were recommended – Complainant declined. The dog was discharged with meloxidyl and gabapentin prescriptions.

10. On May 11, 2021, the dog was presented to Dr. Garthe. Blood was collected for testing, Valley Fever and radiographs were declined, and Complainant did not want proceed with an exam as she felt the dog was too stressed. Blood results were within normal limits.

11. Complainant called Dr. Garthe several times reporting various concerns with the dog.

12. On June 14, 2021, the dog was presented to Dr. Garthe for radiographs under sedation. Dr. Garthe evaluated the dog under sedation and noted that the right stifle clicked with flexion and extension, mild cranial drawer with internal rotation of the right rear leg when compared to the left leg. She suspected a partial cranial cruciate ligament rupture. Dr. Garthe

recommended a surgical consult. A Valley Fever titer was also performed; results were negative.

13. On June 29, 2021, the dog was presented to Dr. Benson at North Ranch Animal Hospital. Dr. Benson evaluated the dog and was able to luxate the right patella medially but it returned to normal. No pain was found in any of the joints and seemed to have good range of motion. Dr. Benson suspected medial patella luxation but could not confirm if it was caused by trauma or was a congenital issue. Dr. Benson gave Complainant a prescription for meloxicam.

COMMITTEE DISCUSSION:

The Committee discussed that they did not believe Respondent or her staff mishandled or abused the dog. They discussed that Chihuahua's commonly have luxating patellas which can come and go; restraint or handling should not exacerbate the situation.

Luxating patellas cannot be created- it is impossible for a person to cause a patella luxation; however, they will get worse with time. It is common for a pet parent to be unaware of the condition in their pet until a veterinarian brings it to their attention. It usually develops within a year of age and typically have no symptoms.

It would not be unusual for a pet to limp after an exam if the patellas were assessed. Partial ACL tears are also common which is what Dr. Garthe had suspected however Respondent or her staff could not cause the ligament to tear.

The Committee commented that they would find it concerning if Respondent's staff made the statements reported by Complainant. There is no evidence to support the comments were made and that would not be tolerated in a veterinary premises.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the

complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division